
INDIANA
STATE DEPARTMENT OF HEALTH

TITLE 410 INDIANA ADMINISTRATIVE CODE

**ARTICLE 26.5 ABORTION CLINICS PERFORMING DRUG
INDUCED ABORTIONS LICENSURE RULES**

Rule 1-1 thru 19-1 and Interpretive Guidelines

10/06/2019

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Tag Number	Rule 1 Applicability	Guidance to Surveyors
	<p>410 IAC 26.5-1-1 Applicability Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 1. This article applies to abortion clinics that provides an abortion inducing drug for the purpose of inducing an abortion. An abortion clinic that performs surgical abortion procedures must comply with 410 IAC 26. (Indiana State Department of Health; 410 IAC 26.5-1-1)</p>	
	<p>Rule 2. Definitions</p>	
	<p>410 IAC 26.5-2-1 Applicability of definitions Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 1. The definitions in this rule apply throughout this article except as otherwise indicated. (Indiana State Department of Health; 410 IAC 26.5-2-1)</p>	
	<p>410 IAC 26.5-2-2 "Abortion" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-18-2-1; IC 16-21-1; IC 16-21-2</p> <p>Sec. 2. "Abortion" has the meaning set forth in IC 16-18-2-1. (Indiana State Department of Health; 410 IAC 26.5-2-2)</p>	<p>IC 16-18-2-1 "Abortion" Sec. 1. "Abortion" means the termination of human pregnancy with an intention other than to produce a live birth or to remove a dead fetus. The term includes abortions by surgical procedures and by abortion inducing drugs. [Pre-1993 Recodification Citation: 35-1-58.5-1(b).] As added by P.L.2-1993, SEC.1. Amended by P.L.136-2013, SEC.1.</p>

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	<p>410 IAC 26.5-2-3 "Abortion clinic" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-18-2-1.5; IC 16-18-2-163; IC 16-21-1; IC 16-21-2</p> <p>Sec. 3. (a) "Abortion clinic" means a health care provider (as defined in IC 16-18-2-163(d)(1)) that provides abortion inducing drugs for the purpose of inducing an abortion. (b) The term does not include the following: (1) A hospital that is licensed as a hospital under IC 16-21-2. (2) An ambulatory outpatient surgical center that is licensed as an ambulatory outpatient surgical center under IC 16-21-2. (3) A health care provider that provides, prescribes, administers, or dispenses an abortion inducing drug to fewer than five (5) patients per year for the purposes of inducing an abortion. (Indiana State Department of Health; 410 IAC 26.5-2-3)</p>	
	<p>410 IAC 26.5-2-4 "Affiliate" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-18-2-9.4; IC 16-21-1; IC 16-21-2</p> <p>Sec. 4. "Affiliate" has the meaning set forth in IC 16-18-2-9.4. (Indiana State Department of Health; 410 IAC 26.5-2-4)</p>	<p>IC 16-18-2-9.4 "Affiliate"</p> <p>Sec. 9.4. "Affiliate", for purposes of IC 16-21-2-11, means any person who directly or indirectly controls, is controlled by, or is under common control of another person.</p> <p>As added by P.L.205-2018, SEC.3.</p>
	<p>410 IAC 26.5-2-5 "ASA Class I patient" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 5. "ASA Class I patient: means a normal, healthy patient." (Indiana State Department of Health; IAC 26.5-2-5)</p>	

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	<p>410 IAC 26.5-2-6 "Authenticate" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 6. "Authenticate" means the author or responsible individual has reviewed the clinical content of the order and validated an entry in the record by:</p> <ol style="list-style-type: none"> (1) a full signature, including first initial, last name, and discipline; (2) written initials if full signature appears on the same page; or (3) a unique identifier such as a number or computer key. (Indiana State Department of Health; 410 IAC 26.5-2-6)
	<p>410 IAC 26.5-2-7 "Biologics" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 7. "Biologics" means a biological product, such as:</p> <ol style="list-style-type: none"> (1) a globulin; (2) a serum; (3) a vaccine; (4) an antitoxin; (5) blood; or (6) an antigen; <p>Used in the prevention or treatment of disease. (Indiana State Department of Health; 410 IAC 26.5-2-7)</p>
	<p>410 IAC 26.5-2-8 "Burn" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 8. "Burn" means any injury or damage to the tissues of the body caused by exposure to any of the following:</p> <ol style="list-style-type: none"> (1) Fire. (2) Heat. (3) Chemicals.

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<p>(4) Electricity. (5) Radiation. (6) Gases. (Indiana State Department of Health; 410 IAC 26.5-2-8) 410 IAC 26.5-2-9 "Clinic" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p>	<p>Sec. 9. "Clinic" means an abortion clinic. (Indiana State Department of Health; 410 IAC 26.5-2-9) 410 IAC 26.5-2-10 "Commissioner" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p>
<p>Sec. 10. "Commissioner" means the state health commissioner or the state health commissioner's designee. (Indiana State Department of Health; 410 IAC 26.5-2-10) 410 IAC 26.5-2-11 "Department" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p>	<p>Sec. 11. "Department" means the Indiana state department of health. (Indiana State Department of Health; 410 IAC 26.5-2-11) 410 IAC 26.5-2-12 "Division" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p>
<p>Sec. 9. "Division" means the division of acute care of the department. (Indiana State Department of Health; 410 IAC 26.5-2-12) 410 IAC 26.5-2-13 "Elopement" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p>	<p>Sec. 13. "Elopement" means any situation in which a</p>

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	<p>registered or admitted patient, excluding events involving adults with decision making capacity, leaves the clinic without staff being aware that the patient has done so. (Indiana State Department of Health; 410 IAC 26.5-2-13)</p>	
	<p>410 IAC 26.5-2-14 "Governing body" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 14. "Governing body" means: (1) board of trustees; (2) governing board; (3) board of directors; or (4) other body or individual responsible for governing an abortion clinic. (Indiana State Department of Health; 410 IAC 26.5-2-14)</p>	
	<p>410 IAC 26.5-2-15 "Health care provider" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-18-2-163; IC 16-21-1; IC 16-21-2</p> <p>Sec. 15. "Health care provider" has the meaning set forth in IC 16-18-2-163. (Indiana State Department of Health; 410 IAC 26.5-2-15)</p>	<p>IC 16-18-2-163 "Health care provider" Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following: (1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an advanced emergency medical technician, an athletic trainer, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment. (2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment. (3) A blood bank, community mental health center, community intellectual disability center, community health center, or migrant health center. (4) A home health agency (as defined in IC 16-27-1-2). (5) A health maintenance organization (as defined in IC 27-13-1-19). (6) A health care organization whose members, shareholders, or partners are health care providers under</p>

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	<p>subdivision (1).</p> <p>(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:</p> <p>(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;</p> <p>(B) is organized or registered under state law; and</p> <p>(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.</p> <p>Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.</p> <p>(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).</p> <p>(c) "Health care provider", for purposes of IC 16-32-5, IC 16-36-5, and IC 16-36-6, means an individual licensed or authorized by this state to provide health care or professional services as:</p> <ol style="list-style-type: none"> (1) a licensed physician; (2) a registered nurse; (3) a licensed practical nurse; (4) an advanced practice registered nurse; (5) a certified nurse midwife; (6) a paramedic; (7) an emergency medical technician; (8) an advanced emergency medical technician; (9) an emergency medical responder, as defined by section 109.8 of this chapter; (10) a licensed dentist; (11) a home health aide, as defined by section 174 of this chapter; or (12) a licensed physician assistant. <p>The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.</p> <p>(d) "Health care provider", for purposes of section 1.5 of this chapter and IC 16-40-4, means any of the following:</p> <ol style="list-style-type: none"> (1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an
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		<p>ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.</p> <p>(2) A blood bank, laboratory, community mental health center, community intellectual disability center, community health center, or migrant health center.</p> <p>(3) A home health agency (as defined in IC 16-27-1-2).</p> <p>(4) A health maintenance organization (as defined in IC 27-13-1-19).</p> <p>(5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).</p> <p>(6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:</p> <p>(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;</p> <p>(B) is organized or registered under state law; and</p> <p>(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.</p> <p>(7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).</p> <p>(e) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a). [Pre-1993 Recodification Citations: 16-1-9.5-9; 16-8-11-3; 16-8-12-1(3).]</p>
	<p>410 IAC 26.5-2-16 "Health care worker" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 16. "Health care worker" means a person who provides services whether as an individual health care provider, volunteer, or student at or employee of a clinic. (Indiana State Department of Health; 410 IAC 26.5-2-16)</p>	
	<p>410 IAC 26.5-2-174 "Hypoglycemia" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 17. "Hypoglycemia" means a physiologic state in</p>	

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	<p>which: (1) the blood sugar falls below sixty (60) mg/dl (forty (40) mg/dl in neonates); and (2) physiological or neurological, or both, dysfunction begins. (Indiana State Department of Health; 410 IAC 26.5-2-17)</p>	
	<p>410 IAC 26.5-2-18 "Immediately postoperative" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 18. "Immediately postoperative" means within twenty-four (24) hours after either of the following: (1) Administration of anesthesia (if surgery or other invasive procedure is not completed). (2) Completion of surgery or other invasive procedure. (Indiana State Department of Health; 410 IAC 26.5-2-18)</p>	
	<p>410 IAC 26.5-2-19 "Joint movement therapy" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 19. " Joint movement therapy " means all types of manual techniques, including: (1) mobilization (movement of the spine or a joint within its physiologic range of motion); (2) manipulation (movement of the spine or a joint beyond its normal voluntary physiologic range of motion); or (3) any other type of manual musculoskeletal therapy; Regardless of their precise anatomic and physiologic focus or their discipline of origin. (Indiana State Department of Health; 410 IAC 26.5-2-19)</p>	
	<p>410 IAC 26.5-2-20 "Kernicterus" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 20. "Kernicterus" means the medical condition in</p>	

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<p>which elevated levels of bilirubin cause brain damage. (Indiana State Department of Health; 410 IAC 26.5-2-20) 410 IAC 26.5-2-21 "Licensed health professional" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2; IC 25-23-1-27.1</p> <p>Sec. 21. "Licensed health professional" has the meaning set forth in IC 25-23-1-27.1. (Indiana State Department of Health; 410 IAC 26.5-2-21)</p>	<p>IC 25-23-1-27.1 Limitations on application of chapter; "licensed health professional"</p> <p>Sec. 27.1. (a) As used in this section, "licensed health professional" means:</p> <ol style="list-style-type: none"> (1) a registered nurse; (2) a licensed practical nurse; (3) a physician with an unlimited license to practice medicine or osteopathic medicine; (4) a licensed dentist; (5) a licensed chiropractor; (6) a licensed optometrist; (7) a licensed pharmacist; (8) a licensed physical therapist; (9) a licensed psychologist; (10) a licensed podiatrist; or (11) a licensed speech-language pathologist or audiologist. <p>(b) This chapter does not prohibit:</p> <ol style="list-style-type: none"> (1) furnishing nursing assistance in an emergency; (2) the practice of nursing by any student enrolled in a board approved nursing education program where such practice is incidental to the student's program of study; (3) the practice of any nurse who is employed by the government of the United States or any of its bureaus, divisions, or agencies while in the discharge of the nurse's official duties; (4) the gratuitous care of sick, injured, or infirm individuals by friends or the family of that individual; (5) the care of the sick, injured, or infirm in the home for compensation if the person assists only: <ol style="list-style-type: none"> (A) with personal care; (B) in the administration of a domestic or family remedy; or (C) in the administration of a remedy that is ordered by a licensed health professional and that is within the scope of practice of the licensed health professional under Indiana law; (6) performance of tasks by persons who provide health care services which are delegated or ordered by licensed health professionals, if the delegated or ordered tasks do not exceed the scope of practice of the licensed health professionals under Indiana law; (7) a physician with an unlimited license to practice medicine or osteopathic medicine in Indiana, a licensed dentist, chiropractor, dental hygienist, optometrist, pharmacist, physical therapist, podiatrist, psychologist, speech-language pathologist, or audiologist from practicing the person's profession; (8) a school corporation or school employee from acting under IC 34-30-14; (9) a personal services attendant from providing authorized attendant care services under IC 12-10-17.1; or
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		<p>(10) an attendant who provides attendant care services (as defined in IC 16-18-2-28.5).</p> <p>As added by Acts 1981, P.L.222, SEC.176. Amended by P.L.169-1985, SEC.78; P.L.149-1987, SEC.66; P.L.156-1988, SEC.2; P.L.255-2001, SEC.18; P.L.212-2005, SEC.21; P.L.141-2006, SEC.107.</p>
	<p>410 IAC 26.5-2-22 "Low-risk pregnancy" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 22. "Low-risk pregnancy" means a woman sixteen (16) to thirty-nine (39) years of age, with no previous diagnosis of any of the following:</p> <ol style="list-style-type: none"> (1) Essential hypertension. (2) Renal disease. (3) Collagen-vascular disease. (4) Liver disease. (5) Preeclampsia. (6) Cardiovascular disease. (7) Placenta previa. (8) Multiple gestation. (9) Intrauterine growth retardation. (10) Smoking. (11) Pregnancy-induced hypertension. (12) Premature rupture of membranes. (13) Other previously documented condition that poses a high risk of pregnancy-related mortality. <p>(Indiana State Department of Health; 410 IAC 26.5-2-22)</p>	
	<p>410 IAC 26.5-2-23 "Medical staff" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 23. "Medical staff" means physicians appointed by the governing body or contracted with by the governing body and responsible to the governing body for the following:</p> <ol style="list-style-type: none"> (1) The clinical and scientific work of the clinic. (2) Advice regarding professional matters and policies. (3) Review of the professional practices in the clinic for the 	

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	<p>purposes of reducing morbidity and mortality and for the improvement of the care of patients in the clinic, including the following:</p> <p>(A) The quality and necessity of care provided.</p> <p>(B) The preventability of complications and deaths occurring in the clinic.</p> <p>(Indiana State Department of Health; 410 IAC 26.5-2-23)</p>	
	<p>410 IAC 26.5-2-24 "Pharmacist" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2; IC 25-26-13</p> <p>Sec. 24. "Pharmacist" means an individual licensed under IC 25-26-13. (Indiana State Department of Health; 410 IAC 26.5-2-24)</p>	
	<p>410 IAC 26.5-2-25 "Physician" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2; IC 25-22.5-5</p> <p>Sec. 25. "Physician" means an individual licensed under IC 25-22.5-5. (Indiana State Department of Health; 410 IAC 26.5-2-25)</p>	<p>IC 25-22.5-5-1 Licenses with examination</p> <p>Sec. 1. Licenses with Examination. Any applicant who successfully passes the examination provided in chapter 4, and who meets all of the requirements of chapter 3, is entitled to be registered as a physician and to receive an unlimited license to practice medicine or osteopathic medicine.</p> <p>Formerly: Acts 1975, P.L.271, SEC.1.</p> <p>IC 25-22.5-5-2 Licenses without examination</p> <p>Sec. 2. (a) The board in its discretion may register as a physician and may issue by endorsement an unlimited license to practice medicine or osteopathic medicine to any applicant who has:</p> <p>(1) complied with the minimum requirements of IC 25-22.5-3; and</p> <p>(2) passed an examination:</p> <p>(A) for licensure in another state or territory of the United States, or Canada; or</p> <p>(B) given by a recognized certifying agency approved by the board; if that examination was, in the opinion of the board, equivalent in every respect to Indiana's examination at the time it was taken.</p> <p>(b) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure under this section if:</p> <p>(1) the applicant has been disciplined by an administrative agency in another state or jurisdiction; and</p> <p>(2) the board determines that the violation for which the applicant was disciplined has a direct bearing on the applicant's ability to practice competently as a physician in Indiana.</p> <p>Formerly: Acts 1975, P.L.271, SEC.1. As amended by P.L.149-1987, SEC.53; P.L.33-1993, SEC.28.</p>

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		<p>IC 25-22.5-1-1.1Definitions</p> <p>Sec. 1.1. As used in this article:</p> <p>(g) "Physician" means any person who holds the degree of doctor of medicine or doctor of osteopathy or its equivalent and who holds a valid unlimited license to practice medicine or osteopathic medicine in Indiana.</p>
<p>410 IAC 26.5-2-26 "Registered nurse" defined Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2; IC 25-23-1</p> <p>Sec. 26. "Registered nurse" means an individual licensed under IC 25-23-1. (Indiana State Department of Health; 410 IAC 26.5-2-26)</p>		<p>IC 25-23-1-1.Additional definitions</p> <p>Sec. 1.1. (a) As used in this chapter, "registered nurse" means a person who holds a valid license issued:</p> <p>(1) under this chapter; or</p> <p>(2) by a party state (as defined in IC 25-23.3-2-11); and</p> <p>who bears primary responsibility and accountability for nursing practices based on specialized knowledge, judgment, and skill derived from the principles of biological, physical, and behavioral sciences.</p> <p>(b) As used in this chapter, "registered nursing" means performance of services which include but are not limited to:</p> <ol style="list-style-type: none"> (1) assessing health conditions; (2) deriving a nursing diagnosis; (3) executing a nursing regimen through the selection, performance, and management of nursing actions based on nursing diagnoses; (4) advocating the provision of health care services through collaboration with or referral to other health professionals; (5) executing regimens delegated by a physician with an unlimited license to practice medicine or osteopathic medicine, a licensed dentist, a licensed chiropractor, a licensed optometrist, or a licensed podiatrist; (6) teaching, administering, supervising, delegating, and evaluating nursing practice; (7) delegating tasks which assist in implementing the nursing, medical, or dental regimen; or (8) performing acts which are approved by the board or by the board in collaboration with the medical licensing board of Indiana. <p>(c) As used in this chapter, "assessing health conditions" means the collection of data through means such as interviews, observation, and inspection for the purpose of:</p> <ol style="list-style-type: none"> (1) deriving a nursing diagnosis; (2) identifying the need for additional data collection by nursing personnel; and

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<p>(3) identifying the need for additional data collection by other health professionals. (d) As used in this chapter, "nursing regimen" means preventive, restorative, maintenance, and promotion activities which include meeting or assisting with self-care needs, counseling, and teaching. (e) As used in this chapter, "nursing diagnosis" means the identification of needs which are amenable to nursing regimen. <i>As added by Acts 1981, P.L.222, SEC.158. Amended by P.L.169-1985, SEC.64; P.L.181-2002, SEC.3; P.L.1-2007, SEC.170; P.L.134-2008, SEC.26</i></p>	<p>410 IAC 26.5-2-27 "Serious disability" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 27. "Serious disability" means either of the following: (1) Significant loss of function including sensory, motor, physiologic, or intellectual impairment: (A) not present on admission and requiring continued treatment; or (B) for which there is a high probability of long term or permanent lifestyle change at discharge. (2) Unintended loss of a body part. (Indiana State Department of Health; 410 IAC 26.5-2-27)</p> <p>410 IAC 26.5-2-28 "Sexual assault" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1; IC 35-42-4; IC 35-46-1-3</p> <p>Sec. 28. "Sexual assault" means a crime included under IC 35-42-4 or IC 35-46-1-3. (Indiana State Department of Health; 410 IAC 26.5-2-28)</p> <p>410 IAC 26.5-2-29 "Surgery or other invasive procedure" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 29. "Surgery or other invasive procedure", for purposes of 410 IAC 26.5-7-2, means surgical or other</p>
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	<p>invasive procedures that involve a skin incision, puncture, or insertion of an instrument or foreign material into tissues, cavities, or organs. A procedure begins at the time of the skin incision, puncture, or insertion of an instrument or foreign material into tissues, cavities, or organs. A procedure ends when the surgical incision has been closed or operative devices such as probes have been removed. The procedures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> (1) Open or percutaneous surgical procedures. (2) Percutaneous aspiration. (3) Selected injections. (4) Biopsy. (5) Percutaneous cardiac and vascular diagnostic or interventional procedures. (6) Laparoscopies. (7) Endoscopies. (8) Colonoscopies. <p>The term excludes intravenous therapy, venipuncture for phlebotomy, or diagnostic tests without intravenous contrast agents. (Indiana State Department of Health; 410 IAC 26.5-2-29)</p>	
	<p>410 IAC 26.5-2-30 "Toxic substance" defined Authority: IC 16-19-3-4; IC 16-21-1-7 Affected: IC 16-19-3; IC 16-21-1</p> <p>Sec. 30. "Toxic substance" means chemicals that are present in sufficient concentration to pose a hazard to human health. (Indiana State Department of Health; 410 IAC 26.5-2-30)</p>	
	<p>Rule 3. License Requirements for Abortion Clinics That Perform Drug Induced Abortions 410 IAC 26.5-3-1 License Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 4-21.5-3-5; IC 16-21-2</p>	

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	<p>Sec. 1. (a) A license must be obtained from the commissioner under IC 4-21.5-3-5 before:</p> <ul style="list-style-type: none"> (1) establishing; (2) conducting; (3) operating; or (4) maintaining; <p>an abortion clinic. An abortion clinic may not operate without a license issued by the commissioner.</p> <p>(b) A license to operate an abortion clinic:</p> <ul style="list-style-type: none"> (1) expires one (1) year after the date of issuance; (2) is not assignable or transferable; (3) is issued only for the premises named in the application; and (4) is issued only for the scope of procedures to be performed as indicated by the applicant on the application. <p>(c) A license is valid for only one (1) location. Multiple clinics may not be operated under one (1) license.</p> <p>(d) Upon closure of the clinic, the license shall be returned to the division. (Indiana State Department of Health; 410 IAC 26.5-3-1)</p>	
	<p>410 IAC 26.5-3-2 Preoccupancy inspection Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 2. (a) The department will not issue a provisional license to operate an abortion clinic until the clinic has passed a preoccupancy inspection by the department.</p> <p>(b) Once a new construction, addition, or renovation of an abortion clinic is complete, the abortion clinic must notify the department that the clinic is ready for occupancy. The department will then schedule and perform a preoccupancy inspection. The preoccupancy inspection is to determine compliance of the abortion clinic with 410 IAC 26.5-17-1 and 410 IAC 26.5-17-2. (Indiana State Department of Health; 410 IAC 26.5-3-2)</p>	

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D0002

410 IAC 26.5-3-3 Application for initial license
Authority: IC 16-21-1-7; IC 16-21-2-2.5
Affected: IC 16-21-1; IC 16-21-2

- Sec. 3. (a) To obtain a license to operate an abortion clinic, an application for a license to operate an abortion clinic must be submitted to the division. At the latest, however, the application must be received by the department at least forty-five (45) days before the anticipated opening of the clinic. At least forty-five (45) days before the opening of the clinic, the applicant must inform the division of the anticipated date of opening.
- (b) The initial license application includes the following:
- (1) An application for a license to operate an abortion clinic on a form prescribed by the division to include the selection of only one (1) of the following procedure classifications:
- (A) Surgical abortions only. The clinic is precluded from performing drug induced abortions.
- (B) Both drug induced abortions and surgical abortions. The clinic must comply with this article and 410 IAC 26.5.
- (2) Documents required by the application for a license to operate an abortion clinic.
- (3) The appropriate license fee.
- (c) The application for an abortion clinic license must require the applicant to do the following:
- (1) Disclose whether the applicant, or an owner or affiliate of the applicant, operated an abortion clinic that was closed as a direct result of patient health and safety concerns.
- (2) Disclose whether a principal or clinic staff member was convicted of a felony.
- (3) Disclose whether a principal or clinic staff member was ever employed by a facility owned or operated by the applicant that closed as a result of administrative or legal action.
- (4) Provide copies of:
- (A) administrative and legal documentation relating to the information required under subdivisions (1) and (2);
- (B) inspection reports; and
- (C) violation and remediation contracts.
- (d) All changes in ownership, name, and address must be reported in writing to the division. Reapplication must be

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	<p>filed when a change of fifty percent (50%) or greater ownership occurs. (Indiana State Department of Health; 410 IAC 26-2-3)</p>
	<p>410 IAC 26.5-3-3 Application for initial license Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 3. (a) To obtain a license to operate an abortion clinic, an application for a license to operate an abortion clinic must be submitted to the division. At the latest, however, the application must be received by the department at least forty-five (45) days before the anticipated opening of the clinic. At least forty-five (45) days before the opening of the clinic, the applicant must inform the division of the anticipated date of opening.</p> <p>(b) The initial license application includes the following:</p> <p>(1) An application for a license to operate an abortion clinic on a form prescribed by the division to include the selection of only one (1) of the following procedure classifications:</p> <p>(A) Drug induced abortions only. The clinic is precluded from performing surgical abortions.</p> <p>(B) Both drug induced abortions and surgical abortions. The clinic must comply with this article and 410 IAC 26.</p> <p>(2) Documents required by the application for a license to operate an abortion clinic.</p> <p>(3) The appropriate license fee.</p> <p>(c) The application for an abortion clinic license must require the applicant to do the following: (1) Disclose whether the applicant, or an owner or affiliate of the applicant, operated an abortion clinic that was closed as a direct result of patient health and safety concerns.</p> <p>(2) Disclose whether a principal or clinic staff member was convicted of a felony.</p> <p>(3) Disclose whether a principal or clinic staff member was ever employed by a facility owned or operated by the applicant that closed as a result of administrative or legal action.</p>

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	<p>(4) Provide copies of: (A) administrative and legal documentation relating to the information required under subdivisions (1) and (2); (B) inspection reports; and (C) violation and remediation contracts; if any. (d) All changes in ownership, name, and address must be reported in writing to the division. Reapplication must be filed when a change of fifty percent (50%) or greater ownership occurs. (Indiana State Department of Health; 410 IAC 26.5-3-3)</p>	
	<p>410 IAC 26.5-3-4 Review and approval of initial license application Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2-11</p> <p>Sec. 4. (a) Upon receipt of a completed application for an abortion clinic license, the department will review the application and accompanying documentation to determine that the applicant has met the requirements of IC 16-21-2-11(a)(1) and IC 16-21-2-11(a)(2). (b) Upon determination by the commissioner that the applicant has failed to comply with this article, the commissioner may: (1) request additional information concerning the application; (2) conduct a further investigation to determine whether a provisional license should be granted; or (3) deny the application. (c) Upon determination by the commissioner that the applicant has complied with the provisional licensing requirements for an abortion clinic under this article, the commissioner will: (1) provisionally approve the application for an abortion clinic license; and (2) issue a provisional license to operate an abortion clinic. The provisional license expires ninety (90) days after issue.</p>	

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	<p>(d) After the opening of the clinic and before the expiration of the provisional license, the department will conduct a licensing survey to ensure that the clinic is operating in compliance with this article.</p> <p>(e) If the clinic is found on the initial licensing survey to be in compliance with this article, the commissioner will issue a full license to operate an abortion clinic. If the clinic is not found to be in compliance with this article, the commissioner may extend the provisional license for up to ninety (90) days. If the provisional license is extended, a revisit survey will be conducted or additional documentation will be requested, or both, before the end of the provisional period to ensure compliance with this article. If the clinic is found to be in compliance with this article, the commissioner will issue a full license to operate an abortion clinic. If the clinic is not found to be in compliance with this article after the extended provisional period, the commissioner may:</p> <ol style="list-style-type: none"> (1) request additional information concerning the application; (2) conduct a further investigation to determine whether a provisional license should be granted; or (3) deny the application. <p>(Indiana State Department of Health; 410 IAC 26.5-3-4)</p>	
	<p>410 IAC 26.5-3-5 Denial of license Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2; IC 27-13-1</p> <p>Sec. 5. The commissioner may deny a license to operate an abortion clinic for any of the following reasons:</p> <ol style="list-style-type: none"> (1) If the licensee or licensees are not of reputable and responsible character. (2) If the abortion clinic is not in compliance with the minimum standards for an abortion clinic adopted under this article (3) For violation of any of the provisions of IC 16-21 or this article. 	

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	<p>(4) For permitting, aiding, or abetting the commission of any illegal act in the clinic.</p> <p>(5) For knowingly collecting or attempting to collect from:</p> <p>(A) a subscriber (as defined in IC 27-13-1-32); or</p> <p>(B) an enrollee (as defined in IC 27-13-1-12); of a health maintenance organization (as defined in IC 27-13-1-19) any amounts that are owed by the health maintenance organization.</p> <p>(6) If conduct or practices of the clinic are found to be detrimental to the patients of the abortion clinic.</p> <p>(7) If the application for a license to operate an abortion clinic or supporting documentation provided inaccurate statements or information.</p> <p>(Indiana State Department of Health; 410 IAC 26.5-3-5)</p>
	<p>410 IAC 26.5-3-6 Renewal of license</p> <p>Authority: IC 16-21-1-7; IC 16-21-2-2.5</p> <p>Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 6. (a) In order to renew its abortion clinic license, the clinic shall file an application for the renewal of an abortion clinic license with the division at least one (1) month before the expiration of the current license.</p> <p>(b) The renewal application includes the following:</p> <p>(1) An application for the renewal of a license to operate an abortion clinic on a form prescribed by the division to include the selection of only one (1) of the following procedure classifications:</p> <p>(A) Drug induced abortions only. The clinic is precluded from performing surgical abortions.</p> <p>(B) Both drug induced abortions and surgical abortions. The clinic must comply with this article and 410 IAC 26.</p> <p>(2) Documents required by the application for the renewal of a license to operate an abortion clinic.</p> <p>(3) The appropriate license fee.</p> <p>(c) Upon determination by the commissioner that the applicant has met the licensing requirements for an abortion clinic, the commissioner shall approve the application for</p>

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D0004	<p>the renewal of a license to operate an abortion clinic and issue a license. (Indiana State Department of Health; 410 IAC 26.5-3-6)</p> <p>410 IAC 26.5-3-7 Posting of license Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 7. A license issued under this article must be conspicuously posted on the premises in an area open to patients. (Indiana State Department of Health; 410 IAC 26.5-3-7)</p> <p>410 IAC 26.5-3-8 Enforcement actions Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-2; IC 16-21-3; IC 27-13-1</p> <p>Sec. 8. (a) The commissioner may take any of the following actions on any of the grounds listed in subsection (b):</p> <ol style="list-style-type: none"> (1) Issue a letter of correction. (2) Issue a probationary license. (3) Conduct a resurvey. (4) Deny the renewal of a license. (5) Revoke a license. (6) Impose a civil penalty in an amount not to exceed ten thousand dollars (\$10,000). <p>(b) The commissioner may take action under subsection (a) on any of the following grounds:</p> <ol style="list-style-type: none"> (1) Violation of any provision of this article. (2) Permitting, aiding, or abetting the commission of any illegal act in an abortion clinic (3) Knowingly collecting or attempting to collect from: <ol style="list-style-type: none"> (A) a subscriber (as defined in IC 27-13-1-32); or (B) an enrollee (as defined in IC 27-13-1-12); <p>of a health maintenance organization (as defined in IC 27-13-1-19) any amounts that are owed by the health maintenance organization.</p> <ol style="list-style-type: none"> (4) Conduct or practice found by the department to be detrimental to the welfare of the patients of an abortion 	
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	<p>clinic. (Indiana State Department of Health; 410 IAC 26.5-3-8)</p> <p>410 IAC 26.5-3-9 Probationary license Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 4-21.5; IC 16-21</p> <p>Sec. 9. A probationary license may be: (1) issued for a period of three (3) months; and (2) reissued; but no more than three (3) probationary licenses may be issued during a twelve (12) month period. The issuance of a probationary license results in the automatic expiration of any other license held under this article. (Indiana State Department of Health; 410 IAC 26.5-3-9)</p>
	<p>Rule 4. Surveys</p> <p>410 IAC 26.5-4-1 Survey procedures Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2-6</p> <p>Sec. 1. (a) The abortion clinic shall fully cooperate with surveys conducted by representatives of the department. Upon arrival of department surveyors at the clinic, the clinic may immediately contact the department to confirm the identity of the surveyors. Upon confirmation by the department of the survey and surveyors, the clinic shall: (1) immediately admit the surveyors to the clinic; and (2) not delay the survey</p>
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	<p>are not limited to, the following:</p> <ul style="list-style-type: none"> (1) Documents showing ownership and a copy of articles of incorporation (if incorporated). (2) All documents pertaining to quality assurance and improvement of patient care and medical care. (3) Personnel records. (4) Medical records relating to drug induced abortions. (5) Reports under IC 16-21-2-6. (6) Policies and procedures of the abortion clinic. 	
D0014	<p>(e) If the governing body of the clinic is an individual responsible for governing the abortion clinic, the clinic is not required to prepare and maintain the documents referenced in this subsection. If the governing body is not an individual with sole authority and responsibility for the clinic, the clinic must prepare and maintain the following documents, registers, reports, records, and minutes to include, but not be limited to:</p> <ul style="list-style-type: none"> (1) The constitution and bylaws of the governing body. (2) Minutes of meetings of the governing body and committees thereof. 	
D0016	<p>(f) Documents, registers, reports, records, and minutes must be complete and up-to-date. (Indiana State Department of Health; 410 IAC 26.5-4-1)</p>	
	<p>410 IAC 26.5-4-2 Licensing surveys Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 2. (a) The department will conduct a licensing survey of each abortion clinic at least one (1) time per calendar year. The licensing survey is conducted to ensure that the abortion clinic is operating in compliance with this article. (b) Licensing surveys will be conducted during normal business hours of the abortion clinic unless the abortion clinic requests that the survey be conducted during nonbusiness hours. (c) The division will notify the clinic of the results of the licensing survey in writing.</p>	

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	<p>(Indiana State Department of Health; 410 IAC 26.5-4-2)</p>	
	<p>410 IAC 26.5-4-3 Complaint surveys Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 3. (a) In accordance with division policy, the division shall investigate credible complaints received by the division that allege noncompliance with this article. (b) Complaints will be assigned a priority for investigation in accordance with division policy. (c) A licensing survey may be conducted simultaneously with and in addition to a complaint survey. (d) The division shall notify the abortion clinic of the results of the complaint survey in writing. (Indiana State Department of Health; 410 IAC 26.5-4-3)</p>	
	<p>410 IAC 26.5-4-4 Plan of correction Authority: IC 16-21-1-7; IC 16-21-2-2.5 Affected: IC 16-21-1; IC 16-21-2</p> <p>Sec. 4. (a) The abortion clinic must file an acceptable plan of correction with the division within ten (10) days of receipt of a survey report from the division that documents noncompliance with state rules. (b) Unless the commissioner determines that there is a need for immediate release, the abortion clinic will have ten (10) days after notification of a noncompliance to submit to the division an acceptable plan of correction before the survey report is made available to the public. (c) The plan of correction shall contain, for each deficient practice cited on the survey report, at least the following: (1) How the deficient practice will be corrected. (2) How the deficient practice will be prevented from reoccurrence. (3) Who will be responsible for correction and prevention. (4) The month, day, and year that the corrective action will be completed, not to exceed thirty (30) days from receipt of the notice of noncompliance.</p>	